SINGLE BENCH

C.S. 14001 — (4)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 6707 **/ 2006**

PETITIONERS :

1. Vishnu Dayal Sidar, S/o Shri Badku Ram Sidar, aged about 36 Years Assistant Teacher, Govt. Primary School, Khapridih Block Bamhnidih, Distt. Janjgir Champa (C.G.)

P.R. No. 6829/06 Presented by Shri A. Singh dated 28-11-06

2. Smt Ashok Maravi (Now Raj), W/o Shri Sukalu Singh Raj, aged about 34 Years, Assistant Teacher, Govt. Primary School – Sonthi, Block-Bamhnidih, Distt. Janjgir Champa (C.G.)

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3. Ganesh Ram Kerketta, S/o Shri Tuni Ram Kerketta, aged about 37 Years Assistant Teacher, Govt. Middle School , Semariya Block Bamhnidih, Distt. Janjgir Champa (C.G.)

4. Bhagau Lal Ratnaker, S/o Shri Budhram Ratnakar, aged about 42 Years Assistant Teacher , Govt. Primary School , Bhawarmaal (Champa) Block Bamhnidih, Distt. Janjgir Champa (C.G.)

28/11/06

5. Lakan Lal Lahre, S/o Shri Arjun Lal Lahre, aged about 37 Years Assistant Teacher , Govt. Boys Primary School , Thathari Block Jaijaipur, Distt. Janjgir Champa (C.G.)

(2) (5)

6. Fir Say Khosale, S/o Shri Budhram, aged about 37 Years Assistant Teacher , Govt. Primary School , Karibhawar, Block Jaijaipur , Distt. Janjgir Champa (C.G.).
7. Smt. Geeta Bharatdwaj (Now Saytoda), W/o. Ram Narayan Saytoda, aged about 34 Years Assistant Teacher, Govt. Primary School , Kekrabhath, Block Jaijaipur , Distt. Janjgir Champa (C.G.).
8. Smt. Fulkeriya Minj (Now Bada), W/o. Shudir Bada, aged about 39 Years Assistant Teacher, Govt. Primary School, Akalsara, Block Jaijaipur , Distt. Janjgir Champa (C.G.)
9. Smt. Neera Pradhan, W/o. Ram Narayan Pradhan, aged about 34 Years Assistant Teacher, Govt. Girls Primary School, Champa, Block Bamhnidih, Distt. Janjgir Champa (C.G.).
10. Smt. Pramila Satyam (Now Patley) W/o. G.R.Patley , aged about 36 Years Assistant Teacher, Govt. Primary School, Bhojpur, Block Bamhnidih, Distt. Janjgir Champa (C.G.).

11. Dalganj Singh Maravi, S/o Shri Natwar Singh, aged about 36 Years Assistant Teacher, Govt. Jan Primary School, Datuod, Block Jaijaipur, Distt. Janjgir Champa (C.G.).

12. Shyam Lal Ratre, S/o Shri Itwari Ratre, aged about 36 Years Assistant Teacher, Govt. Girls Middle School, Baloda, Block Baloda, Distt. Janjgir Champa (C.G.).

13. Khilendra Kumar Maravi, S/o Shri Rangi Lal Maravi, aged about 36 Years Assistant Teacher, Govt. Girls Middle School, Baloda, Block Baloda, Distt. Janjgir Champa (C.G.).

14. Smt. Meena Ranjan, (Now Masih) W/o Rajesh Masih , aged about 42 Years Assistant Teacher, Govt. Primary School, Barpali Champa, Block Bamhnidih, Distt. Janjgir Champa (C.G.).

VERSUS

RESPONDENTS : 1. State of Chhattisgrh, Through – The Secretary Department of Education D.K.S. Bhawan Raipur (C.G.)

2. Director ,Public Instruction ,Chhattisgarh Govt. Raipur

3. District Education Officer, Distt. Janjgir Champa (C.G.)

~~(A)~~ (7)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

The petitioner above named most respectfully submits as under:-

XI-HC-78

(66)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S)..6707... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.12.2006

Shri Anil Singh Rajput, learned counsel for the petitioners.
Shri Vinay Pandey, learned P.L. for the State/respondent.

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 2745/1989 (Madhukant Yadu and 56 others Vs. State of M.P. and others) dated 24.8.1992

2. Learned counsel appearing for the petitioners placed reliance on the order dated 9th October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The case of the petitioners is that they were appointed as Assistant Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners was regularized but, they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 24.8.1992 allowed the same. The petitioners made several representations to accord the same treatment as they are

(67)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

— 2 —

मामला क्रमांक WP.6202/06 **सन् 200**

(आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

also similarly situated, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 24.8.1992, to which learned counsel for the respondent/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all his grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 24.8.1992 passed by the learned State Administrative Tribunal in Original Application No. 2745/1989.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

7. Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge

P.T.O.

12/12/08